

what is passing in the crowd," of giving "to some one or other of the public officers authority and means to investigate and unravel the conduct of suspected parties;" and to the committee he recommends taking "care that the law is not cheated of its victims, because nobody is empowered to see where they are."

If individuals on their own responsibility contrive to make a lottery, or if a single individual undertake to make one, it should be deemed an offence of a higher grade than that of selling tickets in a lottery, granted by competent authority in some other State, and merits a severer punishment. Although the committee would not undertake to say that such an act would not, under some circumstances, amount to a fraud at common law and be punishable as such, yet, as the offence is forbidden by statute, and a specific penalty is provided, it is possible that a court might consider the penalty in the act as the rule to be observed in awarding the punishment. It should, undoubtedly, be incumbent on every vender of a ticket, who may be prosecuted for vending, to prove that it was in a lottery granted by the law of some other State; otherwise the sale should be considered as a fraud on the purchaser as well as an offence against the State.

The committee have availed themselves of such information and advice as they could obtain from other gentlemen of high standing at the bar, and familiar with the administration of the criminal code; among whom was the honorable Judge of the Municipal Court of the City of Boston. They have endeavored according to the best of their ability to investigate the nature, operations, and effects of lotteries; to compare opinions with facts; to ascertain what is demanded by public sentiment, and what may be authorised by justice, humanity, and the true policy of a moral and enlightened legislature.

The public sentiment at the present moment, is highly excited in regard to lotteries. While it would be improper to suffer the indignant feelings of an outraged and insulted community, to influence the action of a discreet and sober legislature, it would yet be unwise for such a legislature to neglect to avail itself of even a temporary excitement to effect a permanent good. Neither justice nor policy would interpose to prevent the passage of a salutary statute, merely because circumstances had conspired to show its necessity. The passion for gaming seems to be common to a great portion of the human family, in every age and country. Traffic in lottery tickets is but one spe-